

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SKYLINE SOFTWARE SYSTEMS, INC.,

Plaintiff,

v.

KEYHOLE, INC., and
GOOGLE INC.

Defendants.

CIVIL ACTION NO. 06-10980 DPW

**SEPARATE STATEMENT OF GENUINE ISSUES OF MATERIAL FACT IN
OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT OF
INFRINGEMENT**

[PUBLIC REDACTED VERSION]

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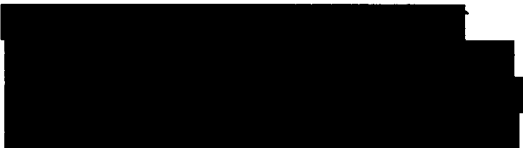
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Google objects to Skyline's Statement of Undisputed Facts to the extent it does not comply with Civil L.R. 56.1's requirement that a moving party include a concise statement of material facts. Skyline improperly incorporates several propositions within a single statement of fact, and also includes voluminous immaterial facts.


Pursuant to Civil L.R. 56.1, Defendants Keyhole, Inc. and Google Inc. submit the following Statement of Genuine Issues of Material Fact in Opposition to Plaintiff's Motion for Summary Judgment of Infringement. Pursuant to Civil L. R. 56.1, any statement that a fact is undisputed is made for the purposes of opposing this motion only.




FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
<p>1. Skyline is an innovator in the field of three-dimensional visualization and the implementation and use of massive terrain databases. Yaron Aff., ¶ 3.</p>	<p>This is not a material fact.</p> <p>To the extent that Skyline seeks to imply that claims 1 and 12 of the '189 patent are valid, Google disputes this fact. <i>See, e.g.,</i> Feiner SJ Decl. ¶¶ 50-85; Feiner Opp. Decl. ¶¶37-130; Chang Decl. Exs. 20-27, 31-35; Haight Decl., Ex. 9-18, 24-26, 28-30, 50-52; Mewes Decl., Exs. 2-5, 9.</p>
<p>2. In the mid-1990s, Aharon "Ronnie" Yaron and Ofer Shor then began work on a new engine for terrain visualization that read the data, from a disk or CD-ROM, as the user was "flying over" the terrain. <i>Id.</i>, ¶¶ 4-5.</p>	<p>This is not a material fact.</p> <p>To the extent that Skyline seeks to imply that claims 1 and 12 of the '189 patent are valid, Google disputes this fact. <i>See, e.g.,</i> Feiner SJ Decl. ¶¶ 50-85; Feiner Opp. Decl. ¶¶37-130; Chang Decl. Exs. 20-27, 31-35; Haight Decl., Ex. 9-18, 24-26, 28-30, 50-52; Mewes Decl., Exs. 2-5, 9.</p>
<p>3. The goal of the engine was to enable the display of real life images from, for example, satellite photograph. This development process eventually led to a client application, known as "TerraViewer," a product sold today by Skyline. <i>Id.</i>, ¶ 6.</p>	<p>This is not a material fact and is not fully supported by the cited evidence.</p> <p>To the extent that Skyline seeks to imply that claims 1 and 12 of the '189 patent are valid, Google disputes this fact. <i>See, e.g.,</i> Feiner SJ Decl. ¶¶ 50-85; Feiner Opp. Decl. ¶¶37-130; Chang Decl. Exs. 20-27, 31-35; Haight Decl., Ex. 9-18, 24-26, 28-30, 50-52; Mewes Decl.,</p>

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<p>4. The Skyline inventors further developed technology for the product that could process the imagery and terrain databases for 3D visualization into a hierarchically structured format, known as “TerraBuilder,” a product also sold by Skyline today. <i>Id.</i>, ¶ 10.</p>	<p>Exs. 2-5, 9.</p> <p>This is not a material fact and is not fully supported by the cited evidence.</p> <p>To the extent that Skyline seeks to imply that claims 1 and 12 of the ’189 patent are valid, Google disputes this fact. <i>See, e.g.</i>, Feiner SJ Decl. ¶¶ 50-85; Feiner Opp. Decl. ¶¶37-130; Chang Decl. Exs. 20-27, 31-35; Haight Decl., Ex. 9-18, 24-26, 28-30, 50-52; Mewes Decl., Exs. 2-5, 9.</p> <p>To the extent that Skyline seeks to imply that its TerraBuilder product is an embodiment of the ’189 patent, Google disputes this fact. <i>See</i> ’189 patent, claims 1-24 (no claims covering the processing of data and building databases).</p>
<p>5. Additional innovations led to the development of another product, “TerraGate,” the name for the expansion of the application that enables the system to fetch 3D data from a remote server and display it in real-time. This last innovation is the foundation for the ’189 Patent. <i>Id.</i>, ¶ 11.</p>	<p>This is not a material fact.</p> <p>To the extent that Skyline seeks to imply that claims 1 and 12 of the ’189 patent are valid, Google disputes this fact. <i>See, e.g.</i>, Feiner SJ Decl. ¶¶ 50-85; Feiner Opp. Decl. ¶¶37-130; Chang Decl. Exs. 20-27, 31-35; Haight Decl., Ex. 9-18, 24-26, 28-30, 50-52; Mewes Decl., Exs. 2-5, 9.</p> <p>To the extent that Skyline seeks to imply that its TerraGate product is an embodiment of the ’189 patent, Google disputes this fact. <i>See generally</i> ’189 patent (no reference to Skyline’s TerraGate products).</p>
<p>6. The ’189 Patent discusses Skyline’s 3D visualization system and, in particular, its product (TerraGate, TerraExplorer and TerraBuilder) as part of the preferred embodiment. <u>Exh. 1</u> (’189 Patent, col. 9:40-45, Fig. 3).</p>	<p>This is not a material fact and is not supported by the cited evidence.</p> <p>To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the ’189 patent, Google disputes this fact. <i>See e.g.</i> ’189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building databases).</p>

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<p>7. TerraBuilder was developed to process the imagery and elevation data for the hierarchically structured database. Yaron Aff., ¶ 10</p>	<p>This is not a material fact.</p> <p>To the extent Skyline seeks to imply that its TerraBuilder product is an embodiment of the '189 patent, Google disputes this fact. <i>See e.g.</i> '189 patent, claims 1-24 (no claims directed to processing data and building databases).</p>
<p>8. As discussed in the '189 Patent (and also the '583 Patent), TerraBuilder processes satellite photographs and elevation data to generate successive levels of lower resolution data. <u>Exh.</u> 1 ('189 patent, col. 9:39-45).</p>	<p>This is not a material fact and is not supported by the cited evidence.</p> <p>Skyline cites no evidence regarding the '583 patent which is immaterial to infringement of the '189 patent. To the extent Skyline seeks to imply that its TerraBuilder product is an embodiment of the '189 patent, Google disputes this fact. <i>See e.g.</i> '189 patent, claims 1-24 (no claims directed to processing data and building databases).</p>
<p>9. </p>	<p>This is not a material fact.</p> <p>To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the '189 patent, Google disputes this fact. <i>See e.g.</i> '189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building databases).</p>
<p>10. As a result, in each level of source data, one lower resolution level block covers substantially the same area as four blocks from the immediately higher level. The method for preparing each data set for the database in the preferred embodiment is discussed in column 9, lines 40-63 and in Figures 2 and 3 of the '189 Patent. (<u>Exh.</u> 1).</p>	<p>This is not a material fact.</p> <p>To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the '189 patent, Google disputes this. <i>See e.g.</i> '189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building databases).</p>
<p>11. </p>	<p>This is not a material fact and is not supported by the evidence cited.</p> <p>To the extent Skyline seeks to imply that the '189 patent discloses or claims a quad tree,</p>

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[REDACTED]	Google disputes this fact. <i>See e.g.</i> '189 patent at col. 9:40-45 (no disclosures regarding a quad tree data structure), claims 1-20 (no claims directed to quad trees).
12. [REDACTED]	<p>This is not a material fact and is not supported by the evidence cited.</p> <p>To the extent Skyline seeks to imply that the '189 patent discloses or claims a quad tree, Google disputes this fact. <i>See e.g.</i> '189 patent at col. 9:40-45 (no disclosures regarding a quad tree data structure), claims 1-24 (no claims directed to quad trees).</p>
13. In one of the leading texts on hierarchical structures, the quad tree is described as one of the most studied and commonly used hierarchical data structures. <u>Exh.</u> 54 (Samet, H., <i>The Design and Analysis of Spatial Data Structures</i> (Adison Wesley 1990), at 1, 3-4).	<p>This is not a material fact.</p> <p>The cited reference makes no disclosures regarding the '189 patent. To the extent Skyline seeks to imply that the '189 patent discloses or claims a quad tree, Google disputes this fact. <i>See e.g.</i> '189 patent at col. 9:40-45 (no disclosures regarding a quad tree data structure), claims 1-24 (no claims directed to quad trees).</p>
14. Depending on the amount of detail and overlap of different data sources, each parent block in the database hierarchy may have less than four children. Different areas (due to the sources of data) may have higher levels of resolution (and therefore more resolution levels) than other adjacent areas. <i>Id.</i> , col. 9:28-34.	<p>This is not a material fact and is not supported by the evidence cited.</p> <p>To the extent Skyline seeks to imply that the '189 patent discloses or claims a quad tree, Google disputes this fact. <i>See e.g.</i> '189 patent at col. 9:40-45 (no disclosures regarding a quad tree data structure), claims 1-20 (no claims directed to quad trees).</p>
15. After the hierarchy of resolution levels are processed, vector data or points, lines or text ("drawables" in Google's nomenclature) is optionally overlaid on top of the three-dimensional terrain. <i>Id.</i> , col. 2:55-64, col. 8:38-42.	<p>This is not a material fact and is not fully supported by the cited evidence.</p> <p>To the extent Skyline seeks to imply that Google Earth has a "hierarchical structure" as claimed by the '189 patent, Google disputes this fact. <i>See</i> Feiner SJ Decl. ¶¶ 30-34; Feiner Opp. Decl. ¶¶ 27-30; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63;</p>




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	Aubin Depo (Chang Decl., Ex. 11) at 38-38, 129-131, 205-208, 216-217; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 9; Manocha Depo (Chang Decl., Ex. 15) at 154, 174-176.
16. Vector data does not have a resolution. <i>Id.</i> , col. 8:55-58.	This fact is not supported by the evidence cited. Disputed. <i>See</i> Feiner Opp. Decl. ¶ 27-30.
17. Vector data is indexed and referenced for display at various levels. For example, state or country boundaries may be referenced for display at level eight, interstate highways at level twelve, and detailed city information at level twenty (e.g., store and local street names). <i>Id.</i> , col. 8:38-58; col. 10:10-14.	Google does not dispute this fact, except as stated below. To the extent Skyline seeks to imply that vector data does not have a resolution, Google disputes this fact. <i>See</i> Feiner Opp. Decl. ¶ 27-30.
18. The '189 Patent discloses a method of using this hierarchical database so that the massive amounts of 3D terrain data can be accessed to provide a more seamless representation of the terrain. The user selects a location and altitude from which s/he wants to view the scene. The system computes a view specification and, what is commonly known in computer graphics, as a "frustum." Yaron Aff., ¶¶ 15-16; <i>see also</i> Exhs. 36 (July 10, 2006 Manocha Rpt., ¶¶ 28-29) & 8 (Jones Decl., ¶ 7).	This is not a material fact and is not supported by the evidence cited. The '189 patent does not make these disclosures. Reference to the Jones Decl. is misplaced as that describes Google Earth, not the '189 patent. <i>See</i> Jones Decl. ¶ 1 (Chang Decl., Ex. 29); <i>see generally</i> '189 patent (no disclosures or claims regarding view frustum or view specification). To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the '189 patent, Google disputes this fact. <i>See e.g.</i> '189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building databases).
19. 	This is not a material fact. Google understands that Skyline is describing its Terra products. To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the '189 patent, Google

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	disputes this fact. <i>See e.g.</i> '189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building databases).
20. 	This is not a material fact. Google understands that Skyline is describing its Terra products. To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the '189 patent, Google disputes this fact. <i>See e.g.</i> '189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building databases).
21. 	This is not a material fact. Google understands that Skyline is describing its Terra products. To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the '189 patent, Google disputes this fact. <i>See e.g.</i> '189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building databases).
22. 	This is not a material fact. Google understands that Skyline is describing its Terra products. To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the '189 patent, Google disputes this fact. <i>See e.g.</i> '189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building databases).
23. The system identifies the highest level data blocks covering the requested area which are in local memory and provides these for immediate use in the display during the current frame. <u>Exh. 1</u> ('189	The statement is not supported by the evidence cited. To the extent, Skyline is reciting the '189 patent claim requirement of "providing the

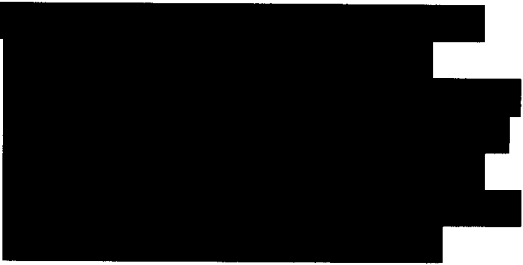

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Patent, col. 14:65-68).	<p>renderer with a first data block which includes data corresponding to the one or more coordinates, from a local memory,” Google does not dispute that the ’189 patent recites this limitation.</p> <p>To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the ’189 patent, Google disputes this fact. <i>See e.g.</i> ’189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building databases).</p>
<p>24. Additional data blocks covering the same area of higher resolution are then requested and downloaded. <u>Exh.</u> 1 – Col. 14 ll 40-46.</p>	<p>To the extent that Skyline is describing disclosures in the ’189 patent, Google does not dispute that the ’189 patent discloses downloading additional data blocks which include data corresponding to the one or more coordinates received from the renderer.</p> <p>To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the ’189 patent, Google disputes this fact. <i>See e.g.</i> ’189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building databases).</p>
<p>25. As the higher resolution data blocks are received, they are provided for use in the display of the scene so that the user views a scene whose resolution increases with time. <u>Exh.</u> 1 – Col. 14 ll 28-54.</p>	<p>Google Earth does not dispute that the ’189 patent specification states, “as the blocks are received from the server, they are supplied to renderer 72 so that the user sees an image whose resolution increases with time.” <i>See</i> ’189 patent at col. 14:44-46.</p> <p>To the extent Skyline seeks to imply that its TerraGate TerraExplorer and TerraBuilder products are embodiments of the ’189 patent, Google disputes this fact. <i>See e.g.</i> ’189 patent at col. 9:40-45 (no reference to TerraGate or TerraExplorer), claims 1-24 (no claims directed to processing data and building</p>

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	databases).
<p>26. The '189 Patent claims an advance on Skyline's '583 Patent by the ability to request and stream the 3D terrain data blocks from the remote server, as needed, (not only from local memory) to provide those data blocks for display and drape the imagery and optimally other data on the terrain; all in real time as the display is sharpening with higher resolution data blocks. <i>Id.</i></p>	<p>This is not a material fact and not supported by the evidence cited.</p> <p>To the extent that Skyline seeks to imply that claims 1 and 12 of the '189 patent are valid, Google disputes this fact. <i>See, e.g.,</i> Feiner SJ Decl. ¶¶ 50-85; Feiner Opp. Decl. ¶¶ 37-130; Chang Decl. Exs. 20-27, 31-35; Haight Decl., Ex. 9-18, 24-26, 28-30, 50-52; Mewes Decl., Exs. 2-5, 9.</p>
<p>27. Google markets its product in four versions: Google Earth (the free version of the product); Google Earth Plus; Google Earth Pro; and, Google Earth Enterprise Solution (including Google Earth client, Google Earth Server and Google Earth Fusion). <u>Exh. 43</u> – Hanke Dep. 34-38.</p>	<p>This is not a material fact.</p> <p>Undisputed.</p>
<p>28. These related products all practice the same general methods and are designed to utilize the same apparatus. These products are the successors of Keyhole LT, Keyhole Pro, Keyhole EC, Keyhole Fusion. <u>Exh. 49</u> – Ruben Dep. 48-53.</p>	<p>Google does not dispute that the Google Earth products are the successors of the Keyhole products.</p> <p>Google Earth disputes that the Google Earth Server and Google Earth Fusion practice the same general methods as the Google Earth client software (Google Earth, Google Earth Plus, Google Earth Pro). <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 84-85, 88, 160, 200-201; McClendon Depo (Chang Decl., Ex. 16) at 96-98, 233-34, 272; Ruben Depo (Chang Decl., Ex. 18) at 120; Jones Depo (Chang Decl., Ex. 12) at 85-87; July 10, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 7) at ¶ 43.</p>
<p>29. Google uses, advertises, promotes, and markets these products aggressively. <u>Exh. 43</u> – Hanke Dep. 38; Dep. Exh. 190, 100.</p>	<p>Google does not dispute that it advertises, promotes, and markets the Google Earth, Google Earth Plus, Google Earth Pro and, Google Earth Enterprise Solution products.</p> <p>Google disputes Skyline's unsupported characterization of "aggressively."</p>

FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
30. [REDACTED]	This is not a material fact. This statement is not supported by the evidence cited by Skyline.
31. [REDACTED]	Undisputed.
32. [REDACTED]	This is not a material fact. Undisputed.
33. Vector data or drawables are comprised of points, lines and text. They are created separately and do not have a resolution. <u>Exh.</u> 44 – Jones Dep. 217; <i>see also</i> <u>Exh.</u> 42 – Feiner Dep. 159-61; <u>Exh.</u> 1 – ‘189 Patent, Col. 8ll 55-58.	Disputed. <i>See</i> Feiner Opp. Decl. ¶ 27-30
34. [REDACTED]	Not a material fact. To the extent Skyline seeks to imply that the Court’s construction of “terrain” is limited to elevation data, Google disputes this fact. <i>See</i> Aubin Depo (Mewes Decl., Ex. 10) at 80:4-12.
35. [REDACTED]	This is not a material fact. To the extent Skyline seeks to imply that Google Earth requests specific data blocks by “receiving from the renderer coordinates in the terrain along with indication of a respective resolution level,” Google disputes this fact. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Jones Decl. (Chang Decl., Ex. 29).
36. [REDACTED]	This is not a material fact. To the extent Skyline seeks to imply that imagery and elevation data in Google Earth

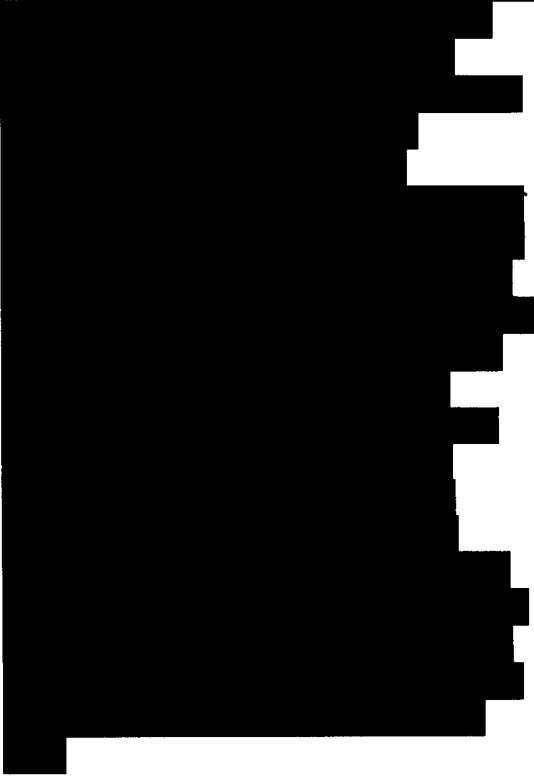
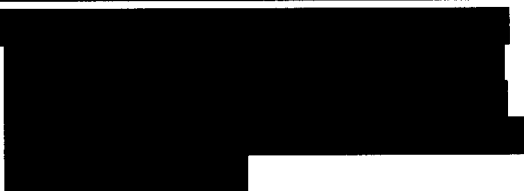
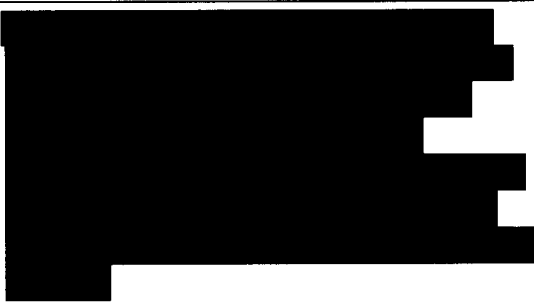
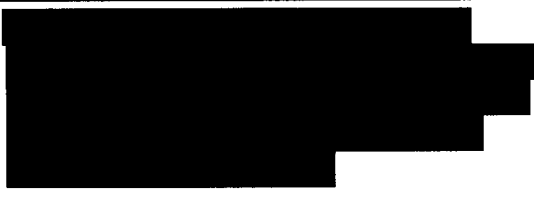
FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
	are organized into a strict resolution hierarchy as required by the '189 patent, Google disputes this fact. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.
37. 	Disputed. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.
38. 	This is not a material fact, and not supported by the evidence cited. Disputed. <i>See</i> Haight Decl., Ex. 40 (Aubin Depo) at 87.
39. 	This is not a material fact. To the extent Skyline seeks to imply that imagery and elevation data in Google Earth are organized into a strict resolution hierarchy as required by the '189 patent, Google disputes this fact. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.

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40. [REDACTED]	<p>This is not a material fact.</p> <p>To the extent Skyline seeks to imply that imagery and elevation data in Google Earth are organized into a strict resolution hierarchy as required by the '189 patent, Google disputes this fact. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.</p>
41. [REDACTED]	<p>Disputed. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.</p>
42. [REDACTED]	<p>Disputed. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.</p>
43. [REDACTED]	<p>This is not a material fact and is not supported by or related to the evidence cited.</p> <p>Disputed. <i>See</i> Aubin Depo (Mewes Decl., Ex. 10) at 199-204 (explaining preparation of elevation data).</p>






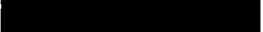
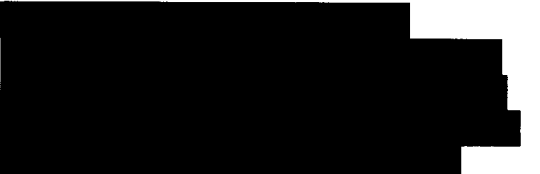

FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
<p>44. </p>	<p>This is not a material fact and is not supported by the evidence cited.</p> <p>The evidence cited discusses resolution and organization of data in Google Earth. To the extent Skyline seeks to imply that data in Google Earth belong to a “hierarchical structure” as claimed in the ’189 patent, Google disputes this fact. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.</p>
<p>45. </p>	<p>This is not a material fact and is not supported by or related to the evidence cited.</p> <p>To the extent Skyline seeks to imply that data in Google Earth belong to a “hierarchical structure” as claimed in the ’189 patent, Google disputes this fact. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.</p>
<p>46. As a result, each asset is processed and results in a structure where “data blocks are organized into multiple levels of resolution, whereby each level contains data blocks at the same resolution, and each successive level contains data blocks of a higher resolution than those in the preceding level.” <u>Exh. 5</u> – March 26, 2006 Claim Construction.</p>	<p>Evidence cited does not support the statement. The Court’s construction is not evidence of how Google Earth works.</p> <p>Disputed. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34;</p>

FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
	Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.
47. [REDACTED]	Undisputed.
48. Skyline disclosed in the '189 Patent that, as source data of various levels of detail are combined and aligned, the level of detail from one source may run out (because the source data was not provided at a high level of detail for that area), while the level of detail for an adjacent area may continue through higher levels in the resolution pyramid. <u>Exh. 1</u> – Col. 9, ll. 28-66.	This is not a material fact. Undisputed.
49. These boundary issues are common in large hierarchically structured databases which combine data from various sources. <u>Exh. 38</u> – Manocha Report 12/08/06 at 9.	This is not a material fact and is not supported by admissible evidence. To the extent Skyline seeks to imply that data in Google Earth belong to a “hierarchical structure” as claimed in the '189 patent, Google disputes this fact. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.
50. [REDACTED]	Disputed. Keslin Depo (Mewes Decl., Ex. 1) at 41-42 ([REDACTED]).

FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
51. [REDACTED]	Disputed. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.
52. [REDACTED]	Disputed. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176.
53. [REDACTED]	Disputed. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176; Keslin Depo (Mewes Decl., Ex. 1) at 41-42.
54. [REDACTED]	Disputed. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 38-39, 129-131, 205-208, 216-217; Jones Depo (Chang Decl., Ex. 12) at 607-608, 613-616, 753-755; Keslin Depo (Chang Decl., Ex. 13) at 60-63; Feiner SJ Decl. ¶¶ 32-34; Feiner Opp. Decl. ¶¶ 27-30; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 8-9; Manocha Depo (Chang Decl., Ex. 15) at 154,174-176; Keslin Depo (Mewes Decl., Ex. 1) at 41-42.
55. [REDACTED]	This is not a material fact. To the extent Skyline seeks to imply that




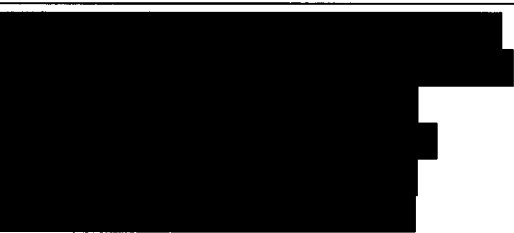
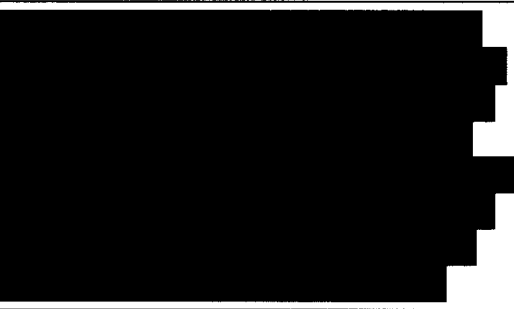
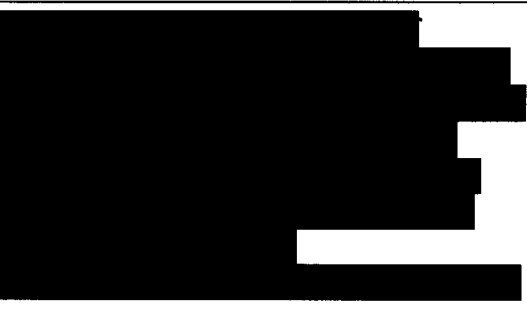
FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
	Google Earth requests specific data blocks by “receiving from the renderer coordinates in the terrain along with indication of a respective resolution level,” Google disputes this fact. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29).
56. 	To the extent Skyline seeks to imply that Google Earth requests specific data blocks by “receiving from the renderer coordinates in the terrain along with indication of a respective resolution level,” Google disputes this fact. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29).
57. 	This statement is not supported by admissible evidence. Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29); Feiner Depo (Haight Decl., Ex. 42) at 110-111.
58. 	This statement is not supported by admissible evidence. Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29);


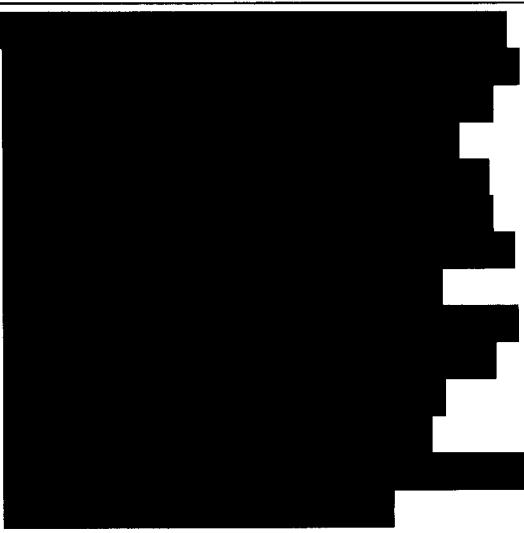

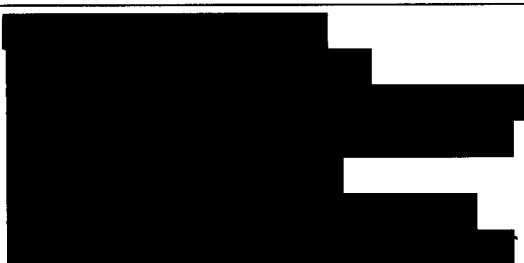
FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
	Feiner Depo (Haight Decl., Ex. 42) at 110-111; July 10, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 7) at ¶¶ 63, 65; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 10-11; Manocha Depo (Chang Decl., Ex. 15) at 248-252, 271-272; Chang Decl., Ex. 36 (Manocha Depo Exhibit); Claim Construction Transcript (Chang Decl., Ex. 27) at 29-30; Feiner SJ Decl. ¶¶ 25-27.
59. [REDACTED]	This is not a material fact. Google does not dispute this fact, except as stated below. To the extent Skyline seeks to imply that Google Earth requests specific data blocks by “receiving from the renderer coordinates in the terrain along with indication of a respective resolution level,” Google disputes this fact. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29).
60. The algorithms to generate a view specification are also well known in computer graphics. The view specification is comprised of several values and parameters based on coordinates. These include the camera position and orientation. <u>Exh. 36</u> – Manocha Report 7/10/06 at ¶ 53.	This is not a material fact and not supported by admissible evidence. To the extent Skyline seeks to imply that Google Earth requests specific data blocks by “receiving from the renderer coordinates in the terrain along with indication of a respective resolution level,” Google disputes this fact. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29).
61. [REDACTED]	Undisputed.
62. [REDACTED]	This statement is not supported by admissible evidence. Undisputed.
63. [REDACTED]	Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58;


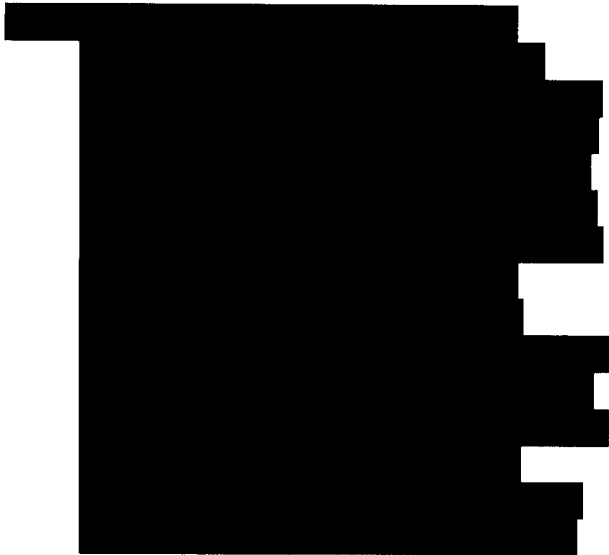


FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
	Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29); Feiner Depo (Haight Decl., Ex. 42) at 110-111; July 10, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 7) at ¶¶ 63, 65; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 10-11, 14; Manocha Depo (Chang Decl., Ex. 15) at 248-252, 259-262, 271-272; Chang Decl., Ex. 36 (Manocha Depo Exhibit); Claim Construction Transcript (Chang Decl., Ex. 27) at 29-30; Feiner SJ Decl. ¶¶ 16-20, 25-27; Google Earth source code (Chang Decl., Ex. 6) ()
64. 	Undisputed, except as stated below. To the extent Skyline seeks to imply that Google Earth makes a “determination that the block provided from local memory is not at the indicated resolution level,” Google disputes this fact. <i>See</i> Feiner SJ Decl. ¶¶ 16-20; Google Earth source code (Chang Decl., Ex. 6) () Manocha Depo (Chang Decl., Ex. 15) at 259-262; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 14.
65. 	Disputed. <i>See</i> Jones Decl. (Chang Decl., Ex. 29) at ¶¶ 9-12, 14-19; Feiner SJ Decl. ¶¶ 16-20 & Ex. B at ¶¶ 40-45; Google Earth source code (Chang Decl., Ex. 6) () Manocha Depo (Chang Decl., Ex. 15) at 259-261, 262; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 14.
66. 	Disputed. <i>See</i> Jones Decl. (Chang Decl., Ex. 29) at ¶¶ 9-12, 14-19; Feiner SJ Decl. ¶¶ 16-20 & Ex. B at ¶¶ 40-45; Google Earth source code (Chang Decl., Ex. 6) () Manocha Depo (Chang

FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
[REDACTED]	Decl., Ex. 15) at 259-261, 262; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 14.
67. [REDACTED]	Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Jones Decl. ¶¶ 3-7, 9-12, 14-19 (Chang Decl., Ex. 29); Feiner Depo (Haight Decl., Ex. 42) at 110-111; Feiner SJ Decl. ¶¶ 16-20 & Ex. B at ¶¶ 40-45; Google Earth source code (Chang Decl., Ex. 6) [REDACTED] Manocha Depo (Chang Decl., Ex. 15) at 259-261, 262; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 14.
68. [REDACTED]	Undisputed.
69. [REDACTED]	<p>This statement is not supported by admissible evidence.</p> <p>Google does not dispute this statement, except as stated below.</p> <p>To the extent Skyline seeks to imply that Google Earth requests specific data blocks by “receiving from the renderer coordinates in the terrain along with indication of a respective resolution level,” Google disputes this fact. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29).</p>
[REDACTED]	Disputed. <i>See</i> Feiner SJ Decl. ¶¶ 16-20; Google Earth source code (Chang Decl., Ex. 6) [REDACTED] Manocha Depo (Chang Decl., Ex. 15) at 259-262; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 14.

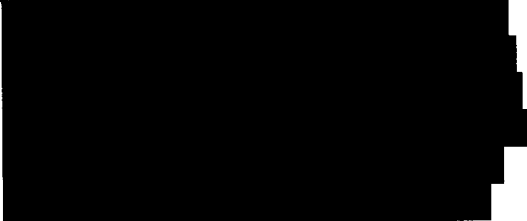

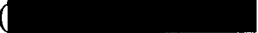
FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
<p>71. [REDACTED]</p>	<p>Disputed. <i>See</i> Aubin Depo (Chang Decl., Ex. 11) at 214-215; Jones Depo (Chang Decl., Ex. 12) at 556-557, 767-768; Rohlf Depo (Chang Decl., Ex. 17) at 178-181, 189, 231-232, 234.</p>
<p>72. [REDACTED]</p>	<p>No evidence cited in support of this statement.</p> <p>Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 27-30.</p>
<p>73. [REDACTED]</p>	<p>Undisputed.</p>

FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
	
74. 	Undisputed.
75. 	Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29).
76. 	This statement is not supported by admissible evidence. Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29); Feiner Depo (Haight Decl., Ex. 42) at 110-111.
77. 	This statement is not supported by admissible evidence. Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29).
78. 	This statement is not supported by admissible evidence. Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29); July 10, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 7) at ¶¶ 63, 65; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 10-11; Manocha Depo

FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
	(Chang Decl., Ex. 15) at 248-252, 271-272; Chang Decl., Ex. 36 (Manocha Depo Exhibit); Claim Construction Transcript (Chang Decl., Ex. 27) at 29-30; Feiner SJ Decl. ¶¶ 25-27.
79. 	This statement is not supported by admissible evidence. Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Feiner Depo (Haight Decl., Ex. 42) at 110-111.
80. 	This statement is not supported by the evidence cited. Disputed. <i>See</i> July 10, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 7) at ¶¶ 63, 65; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 10-11; Manocha Depo (Chang Decl., Ex. 15) at 248-252, 271-272; Chang Decl., Ex. 36 (Manocha Depo Exhibit); Claim Construction Transcript (Chang Decl., Ex. 27) at 29-30; Feiner SJ Decl. ¶¶ 25-27.
81. 	Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Feiner Depo (Haight Decl., Ex. 42) at 110-111.

FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
	
	Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Feiner Depo (Haight Decl., Ex. 42) at 110-111.
83. 	This statement is not supported by admissible evidence. Disputed. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Feiner Depo (Haight Decl., Ex. 42) at 110-111.
84. 	Google does not dispute this statement, except as stated below. To the extent Skyline seeks to imply that Google Earth employs an “indication of a respective resolution level,” as required by the ’189 patent, Google disputes this fact. <i>See</i> Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Feiner Depo (Haight Decl., Ex. 42) at 110-111.

FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
<p>85. [REDACTED]</p>	<p>This statement is not supported by admissible evidence.</p> <p>Disputed. <i>See</i> Feiner SJ Decl. ¶¶ 16-20; Google Earth source code (Chang Decl., Ex. 6) ([REDACTED] Manocha Depo (Chang Decl., Ex. 15) at 259-262; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 14; Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29); Feiner Depo (Haight Decl., Ex. 42) at 110-111.</p>
<p>86. [REDACTED]</p>	<p>Disputed. <i>See See</i> Feiner SJ Decl. ¶¶ 16-20; Google Earth source code (Chang Decl., Ex. 6) ([REDACTED] Manocha Depo (Chang Decl., Ex. 15) at 259-262; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 14; Jones Decl. ¶¶ 9-19 (Chang Decl., Ex. 29).</p>
<p>87. [REDACTED]</p>	<p>Disputed. <i>See See</i> Feiner SJ Decl. ¶¶ 16-20; Google Earth source code (Chang Decl., Ex. 6) ([REDACTED] Manocha Depo (Chang Decl., Ex. 15) at 259-262; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 14; Jones Decl. ¶¶ 9-</p>

FACT IN GENUINE DISPUTE	EVIDENCE DISPUTING STATEMENT OF FACT
	19 (Chang Decl., Ex. 29).
88. 	Disputed. <i>See</i> Feiner SJ Decl. ¶¶ 16-20; Google Earth source code (Chang Decl., Ex. 6) ( Manocha Depo (Chang Decl., Ex. 15) at 259-262; December 8, 2006 Expert Report of Dinesh Manocha (Chang Decl., Ex. 9) at 14; Feiner Opp. Decl. ¶¶ 14-20; Bailly Depo (Haight Decl., Ex. 41) at 56-58; Jones Decl. ¶¶ 3-7 (Chang Decl., Ex. 29); Feiner Depo (Haight Decl., Ex. 42) at 110-111.

Dated: February 2, 2007

Respectfully submitted,

By: /s/ Darryl M. Woo

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Attorneys for Defendants and
Counterclaimants
KEYHOLE, INC. and GOOGLE INC.

Certificate of Service

I hereby certify that, on February 2, 2007, I caused a true and accurate copy of the foregoing document to be served upon all counsel of record for each party by complying with this Court's Administrative Procedures for Electronic Case Filing.

By: /s/ Darryl M. Woo
Darryl M. Woo